



STATE OF CONNECTICUT  
*CONNECTICUT SITING COUNCIL*

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Hearing Program  
Petition No. 1347A  
Tuesday, August 25, 2020  
2:00 p.m.  
Zoom Remote Public Hearing

I. Opening by Council

A. Statement read by Presiding Officer.

B. Administrative Notice taken by Council

**FEDERAL**

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9. UNITED STATES QUADRENNIAL ENERGY REVIEW TASK FORCE, *Quadrennial Energy Review Second Installment: Transforming the Nation's Electricity System*, January 2017, available at <https://www.energy.gov/policy/downloads/quadrennial-energy-review-second-installment>
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15. UNITED STATES DEPARTMENT OF AGRICULTURE, *Solar Energy Use in U.S. Agriculture Overview and Policy Issues*, April 2011, available at [https://www.usda.gov/oce/reports/energy/Web\\_SolarEnergy\\_combined.pdf](https://www.usda.gov/oce/reports/energy/Web_SolarEnergy_combined.pdf)
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20. *Allco Fin. Ltd. v. Klee*, 2014 U.S. Dist. LEXIS 170674 (D. Conn. 2014), affirmed by *Allco Fin. Ltd. v. Klee*, 805 F.3d 89 (2<sup>nd</sup> Cir. 2015)

### **REGIONAL**

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**STATE**

**Connecticut Siting Council**

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51. **DOCKET 192B-** CPV Towantic, LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a 785 MW dual-fuel combined cycle electric generating facility located north of the Prokop Road and Towantic Hill Road intersection in the Town of Oxford, Connecticut, Council Memo Regarding Recusal of Chairman Stein and Council Memo Regarding Recusal of Michael Klemens, available at <https://www.ct.gov/csc/cwp/view.asp?a=962&Q=556110&PM=1>

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53. **PETITION NO. 1310** - Quinebaug Solar, LLC petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction, maintenance and operation of a 50 megawatt AC solar photovoltaic electric generating facility on approximately 561 acres comprised of 29 separate and abutting privately-owned parcels located generally north of Wauregan Road in Canterbury, Connecticut and south of Rukstela Road and Allen Hill Road in Brooklyn, Connecticut, Record and Final Decision, available at <https://www.ct.gov/csc/cwp/view.asp?a=2397&Q=594016&PM=1>
54. **PETITION NO. 1312** – Candlewood Solar LLC declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction, maintenance and operation of a 20 megawatt AC (26.5 megawatt DC) solar photovoltaic electric generating facility located on a 163 acre parcel at 197 Candlewood Mountain Road and associated electrical interconnection to Eversource Energy’s Rocky River Substation on Kent Road in New Milford, Connecticut. Record and Final Decision, *available at* <https://www.ct.gov/csc/cwp/view.asp?a=2397&Q=594294&PM=1>
55. **PETITION NO. 1345** – Pawcatuck Solar Center LLC declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 15 MW AC solar photovoltaic electric generating facility on approximately 353 acres comprised of four abutting parcels located east of Pendleton Hill Road, north of the Pawcatuck River and south of Interstate-95 with proposed access from Ella Wheeler Road, and associated electrical interconnection to Eversource Energy’s Shunock Substation west of Pendleton Hill Road in North Stonington, Connecticut. Record and Final Decision, *available at* <https://www.ct.gov/csc/cwp/view.asp?a=2397&q=602894>
56. **PETITION NO. 1347** – GRE GACRUX LLC petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 16.78-megawatt AC solar photovoltaic electric generating facility located at 117 Oil Mill Road and associated electrical interconnection to Eversource Energy’s existing substation at 325 Waterford Parkway North in Waterford, Connecticut. Record and Final Decision, FOIA Request and Response, and Petition for Reconsideration Record and Final Decision, *available at* <https://www.ct.gov/csc/cwp/view.asp?a=2397&Q=603418&PM=1>
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**Department of Energy and Environmental Protection**

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60. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, BUREAU OF WATER MANAGEMENT, PLANNING AND STANDARDS DIVISION, *Water Quality Standards*, (*Surface Water Quality Standards and Ground Water Quality Standards* Effective October 10, 2013, available at <https://eregulations.ct.gov/eRegsPortal/Browse/RCSA/%7B2328E62B-7982-48A7-AF52-F3F382A821FA%7D>
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**Department of Public Health**

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**Department of Transportation**

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**Other State Agencies**

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### **ENVIRONMENTAL**

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### **MAPS**

109. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *Natural Diversity Database Maps for the Town of Waterford*, available at <http://www.depdata.ct.gov/naturalresources/endangeredspecies/nddbpdfs.asp>
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C. State Agency comments

1. State Historic Preservation Office Comments, dated March 3, 2020
2. Council on Environmental Quality Comments, dated March 27, 2020
3. Department of Energy and Environmental Protection Comments, dated June 17, 2020

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II. Appearance by Petitioner

Petitioner: GRE GACRUX LLC (GRE)

Representative: Lee D. Hoffman, Esq.  
Pullman & Comley, LLC

A. Administrative Notice.

1. UNITED STATES DEPARTMENT OF AGRICULTURE, Natural Resources Conservation Service, *TR-55 Urban Hydrology for Small Watersheds*, Second Ed., June 1986, available at, [https://www.nrcs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprdb1044171.pdf](https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1044171.pdf)
2. MINNESOTA POLLUTION CONTROL AGENCY, *The Minnesota Stormwater Manual*, Version 1.0, November 2005, available at, <http://www.pca.state.mn.us/water/stormwater/stormwater-manual.html>

B. Exhibits for Identification.

1. Motion to Reopen based on changed conditions pursuant to Connecticut General Statutes §4-181a(b) on GRE GACRUX, LLC, Petition for a Declaratory Ruling pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 16.78-megawatt AC solar photovoltaic electric generating facility located at 117 Oil Mill Road and associated electrical interconnection to Eversource Energy's existing substation at 325 Waterford Parkway North in Waterford received January 23, 2020, and attachments.
  - a. GRE GACRUX, LLC Testimony of Jean-Paul La Marche, dated January 23, 2020
  - b. GRE GACRUX LLC petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 16.78-megawatt AC solar photovoltaic electric generating facility located at 117 Oil Mill Road and associated electrical interconnection to Eversource Energy's existing substation at 325 Waterford Parkway North in Waterford, Connecticut.
2. Petitioner's Responses to Council Interrogatories, Set One, dated April 6, 2020
3. Petitioner's Responses to the Town of Waterford Interrogatories, Set One, dated April 27, 2020
4. Petitioner's Responses to Save the River-Save the Hills, Inc. Interrogatories, Set One, dated April 27, 2020
5. Petitioner's Responses to Council Interrogatories, Set Two, dated June 11, 2020
6. Petitioner's Responses to Council Interrogatories, Set Two, Interrogatory 48, dated June 11, 2020
7. Petitioner's Responses to the Town of Waterford's Interrogatories, Set Two, dated June 18, 2020
8. Petitioner's Responses to Save the River-Save the Hills Interrogatories, Set Two, dated June 18, 2020
9. Pre-filed Testimony of Steven J. Kochis, dated June 18, 2020
10. Resume of Steven J. Kochis, received June 24, 2020
11. Photograph of updated sign posting for July 14, 2020 remote public hearing, received June 26, 2020.
12. Petitioner's Late-Filed Exhibits (Items a-k), dated July 28, 2020 with attachments:
  - a. Sign Posting Affidavit
  - b. Revised Site Plans
  - c. Vernal Pool Analysis
  - d. Eastern Ribbon Snake Monitoring Protocol
  - e. Stormwater Wet Pond Monitoring Protocol

C. Swear Witnesses

1. Jean-Paul La Marche, Director of Project Development, Greenskies Renewable Energy, LLC
2. Ryan Linares, Vice President- Business Development and Land Acquisitions, Greenskies Renewable Energy, LLC
3. Jeffrey Shamas, Director-Environmental Services, Vanasse Hangen Brustlin, Inc.
4. Steve Kochis, Professional Engineer, Vanasse Hangen Brustlin, Inc.

D. Full Exhibits - Verification of exhibits by witnesses and admission by the Council.

E. Cross Examination.

1. Save the River-Save the Hills
2. Town of Waterford
3. Council

III. Appearance by Party:

Town of Waterford (TOWN)

Representative:

Robert A. Avena, Esq.  
Suisman Shapiro

A. Administrative Notice.

- 1.

B. Exhibits for Identification.

1. Town of Waterford's Response to Request to Reopen, dated February 12, 2020
2. Town of Waterford's Pre-Filed Testimony and Interrogatories to Petitioner, dated April 12, 2020
3. Town of Waterford's Responses to Save the River-Save the Hills Interrogatories, June 17, 2020

C. Swear Witnesses

1. Abby Piersall, Planning Director, Town of Waterford
2. Robert Brule, First Selectman, Town of Waterford
3. Maureen Fitzgerald, Environmental Planner, Town of Waterford
4. Peter Schlink, Fire Marshal, Town of Waterford

D. Full Exhibits - Verification of exhibits by witnesses and admission by the Council.

E. Cross Examination.

1. Council
2. Petitioner
3. Save the River-Save the Hills, Inc.

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IV. Appearance by Party and  
CEPA Intervenor

Save the River-Save the Hills, Inc. (STRSTH)

Representative:

Emily Gianquinto, Esq.  
EAG Law, LLC

A. Administrative Notice

1. Beauchene, M., M. Becker, C. Bellucci, N. Hagstrom, and Y. Kanno. 2014. *Summer thresholds of fish community transitions in Connecticut streams*. N. Am. J. Fish. Man. 34:119-131. Available at: <https://afspubs.onlinelibrary.wiley.com/doi/abs/10.1080/02755947.2013.855280>
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12. CT DEEP. 2019. 2018 Integrated Water Quality Report. Appendix C-1. Priority List of Impaired Waters for Action Plan Development (including TMDL development). Available at: <https://portal.ct.gov/DEEP/Water/Water-Quality/Water-Quality-305b-Report-to-Congress>
13. CT DEEP. 2019. 2018 Integrated Water Quality Report. Appendix C-2. List of Waters for Action Plan Development by 2022 Identified in Integrated Water Resource Management Reports. Available at: <https://portal.ct.gov/DEEP/Water/Water-Quality/Water-Quality-305b-Report-to-Congress>
14. CT DEEP. 2020. *Construction Stormwater Permitting: Rain Happens!* Presentation by DEEP Stormwater Section, Jan. 8, 2020. Available at: <https://www.cbiam.com/wp-content/uploads/2020/01/CBIA-CTDEEP-stormwater.pdf>
15. CT DEEP. May 12, 2020. *Letter and memorandum to Candlewood Solar LLC rejecting application for Construction General Permit.* Available at: <https://www.crameranderson.com/wp-content/uploads/2020/05/20200512-Candlewood-Solar-Registration-Registration-Application-No-202003778-Disapproval.pdf>
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[https://stormwater.pca.state.mn.us/index.php?title=Stormwater\\_management\\_for\\_solar\\_projects\\_and\\_determining\\_compliance\\_with\\_the\\_NPDES\\_construction\\_stormwater\\_permit](https://stormwater.pca.state.mn.us/index.php?title=Stormwater_management_for_solar_projects_and_determining_compliance_with_the_NPDES_construction_stormwater_permit)
25. National Fire Protection Association
26. *Petition by Town of New Milford for Declaratory Ruling in the Matter of Candlewood Solar, LLC (directed to DEEP)*. Feb. 2020. Available at:  
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27. Petition No. 1312. *Town of New Milford petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176, for a determination that the January 28, 2019 Development and Management Plan submitted by Candlewood Solar, LLC in Petition No. 1312 conflicts and/or is inconsistent with the Connecticut Siting Council's December 21, 2017 final decision on Petition No. 1312*. Record and decision. Available at: <https://www.ct.gov/csc/cwp/view.asp?a=2397&Q=594294&PM=1>
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29. Petition No. 1398. *LSE Pictor, LLC petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 1.99-megawatt AC solar photovoltaic electric generating facility on an approximately 104 acre parcel located off of Platt Hill Road, Winchester, Connecticut and associated electrical interconnection*. Record. Available at: <https://www.ct.gov/csc/cwp/view.asp?a=2397&q=611486>
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35. *State of Connecticut v. Woods Hill Solar, LLC et al.*, Consent Order#COWRSW18003, dated Nov. 27, 2018.
36. Town of East Lyme Inland Wetlands Agency. *Corrected letter to GRE re: Vote to Continue Cease, Desist and Restore Order issued to GRE*. June 11, 2015.
37. Town of East Lyme Inland Wetlands Agency. *Revised Cease, Desist and Correct Restore issued to GRE re: Antares solar field*. Apr. 7, 2014.
38. *Town of New Milford v. Connecticut Siting Council et al.*, Docket No. HHB-CV-19-6053213-S. Record available at:  
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41. CTDEEP Coldwater Habitat Map, available at  
<https://ctdeepwatermonitoring.github.io/ColdWaterHab/>

42. National Fire Protection Association, Fire Code, 2015 Edition, pages 1-76 and Annex A page 1-509, *available at* [https://portal.ct.gov/CSC/3\\_Petitions/Petition-Nos-1341-1350/Petition-No-1347a-GRE-GACRUX](https://portal.ct.gov/CSC/3_Petitions/Petition-Nos-1341-1350/Petition-No-1347a-GRE-GACRUX)
  43. E-Mail Correspondence dated August 7, 2020 from Gary Schneider to Abby Piersall Regarding Oil Mill Road Structures, *available at* [https://portal.ct.gov/CSC/3\\_Petitions/Petition-Nos-1341-1350/Petition-No-1347a-GRE-GACRUX](https://portal.ct.gov/CSC/3_Petitions/Petition-Nos-1341-1350/Petition-No-1347a-GRE-GACRUX)
- B. Exhibits for Identification:
1. Save the River-Save the Hills, Inc. Response to Request to Reopen, dated February 12, 2020
  2. Save the River-Save the Hills, Inc. Response to Request to Reopen, Attachment #3, dated February 12, 2020
  3. Save the River-Save the Hills, Inc. Responses to GRE GACRUX, LLC Interrogatories, dated April 27, 2020
  4. Save the River-Save the Hills, Inc. Additional Request for Party and CEPA Intervenor Status, dated June 10, 2020
  5. Save the River-Save the Hills, Inc. Responses to Council Interrogatories, dated June 18, 2020
  6. Pre-Filed Testimony of Donald Danila, dated June 18, 2020
  7. Pre-Filed Testimony of Deborah Moshier-Dunn, dated June 18, 2020
  8. Pre-Filed Testimony of Steven Trinkaus, dated June 18, 2020
  9. Declaration of Deborah Moshier-Dunn, dated June 24, 2020
  10. Save the River-Save the Hills, Inc. Amended Response to Council Interrogatory #4, dated June 24, 2020
  11. Supplemental Pre-Filed Testimony of Donald Danila, dated June 24, 2020
  12. Supplemental Pre-Filed Testimony of Steven D. Trinkaus, dated August 3, 2020
  13. LIDAR map with GRE grading and drainage overlay, submitted August 3, 2020
- C. Swear Witnesses
1. Donald J. Danila
  2. Deborah Moshier-Dunn, Save the River-Save the Hills, Inc.
  3. Steven D. Trinkaus, Trinkaus Engineering, LLC
- D. Full Exhibits - Verification of exhibits by witnesses and admission by the Council.
- E. Cross Examination.
1. Council
  2. Petitioner
  3. Town of Waterford
- V. Closing by Connecticut Siting Council.